The Sacramento Observer

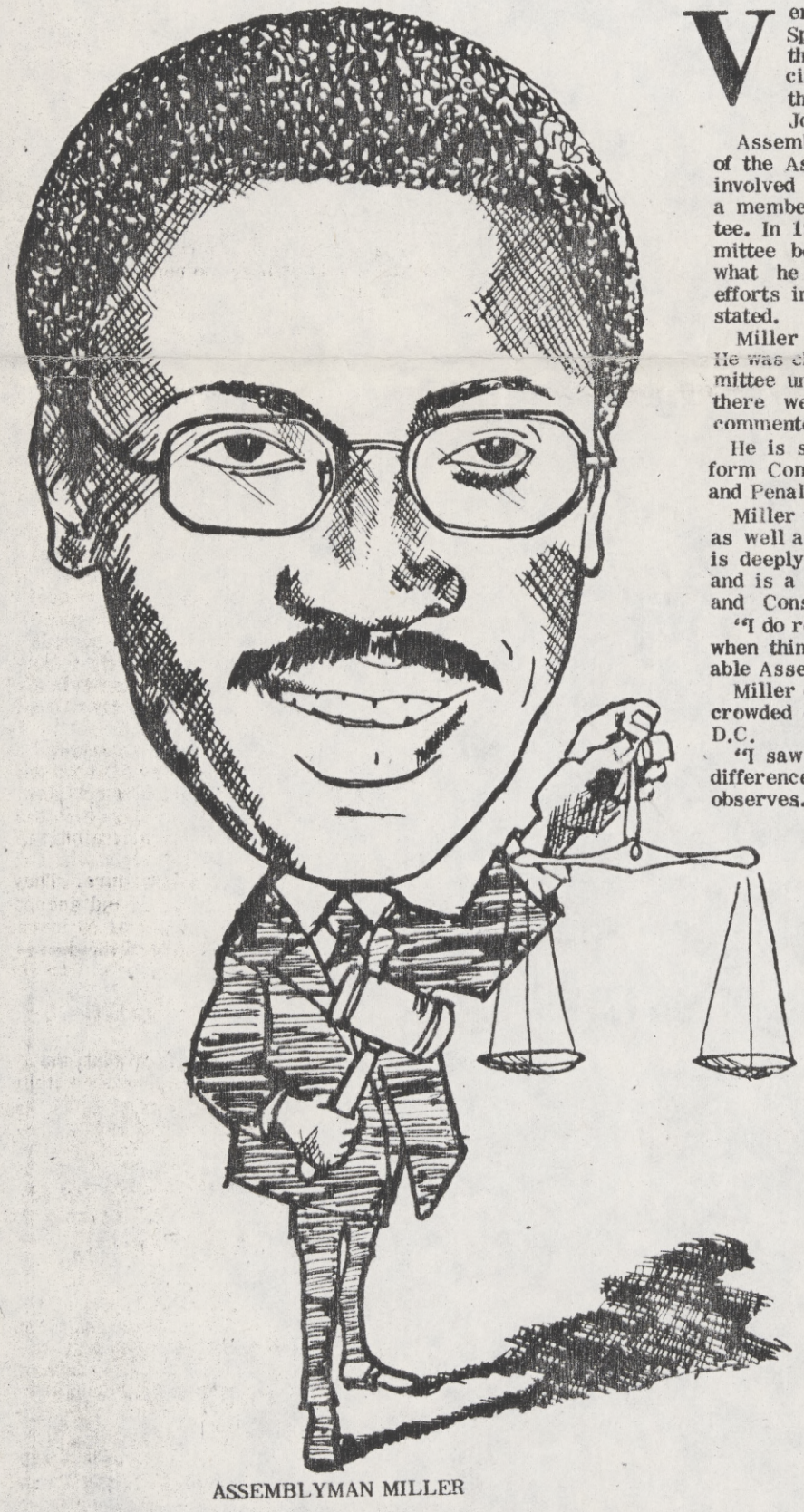
Weekly Political Section

AUGUST 1 - 7, 1974

CAPITOL VIEW

Miller Chairs Judiciary

by SELMA SPARKS
Political Editor



ASSEMBLYMAN MILLER

Very reliable sources close to the new Speaker, McCarthy, have indicated that a Black Chairman of the Judiciary Committee is coming aboard at the Capitol this week, Assemblyman John J. Miller, D. Berkeley.

Assemblyman Miller has been a member of the Assembly since 1966 and was deeply involved in the criminal justice system as a member of the Criminal Justice Committee. In 1973 Miller resigned from that committee because of his strong opposition to what he thought were Speaker Morretti's efforts in getting the death penalty reinstated.

Miller has been involved across the board. He was chairman of the Welfare Reform Committee under the Republicans. "Which meant there weren't going to be any reforms," commented Miller.

He is still a member of the Welfare Reform Committee as well as Ways and Means and Penal Revision.

Miller was also minority Caucus Chairman as well as chairman of the Black Caucus. He is deeply involved in ecology issues as well and is a member of the Natural Resources and Conservation Committee.

"I do remember when the air was pure and when things were not so crowded," says the able Assemblyman.

Miller explained that he had grown up under crowded conditions in Georgia, Harlem and D.C.

"I saw the difference then, I now see the difference encroaching upon us," he observes.

When asked how he felt about possibly being appointed Chairman of Judiciary Committee Miller's response was: "I've thought about it for a long time, mainly as an effort to correct a lot of abuses I see."

According to Miller, the Judiciary Committee pretty much shapes the posture of the Judiciary and what it does to the ordinary citizen in California.

"In my judgment, the Judiciary Committee has, for too long, been in-house committee for the California Medical Association," he comments.

Miller went on to justify this opinion by relating information regarding laws which have come out of the Judiciary Committee. According to a law which came out of the committee within the last year, before anyone can sue a doctor, dentist or other member of the medical profession they must put up $500 security bond.

"It's my judgement that this is unconstitutional because it means that a poor person cannot sue a member of the medical profession," says Miller, who has his own law practice in Berkeley.

Another bill which Miller is certain evolved from the Medical Association and came out of the Judicary Committee says that if you're going to sue a doctor you can't specify the amount for which you're suing because it might be bad publicity for the doctor. As Miller indicated, "Most people don't know about these laws."

Those are just some of the inequalities Miller hopes to help correct.

Miller expressed his belief that the real revolution and reformation for the poor and ordinary people was in how the law effects them.

Miller feels that as chairman of the Judiciary Committee he will be able to effect some of the basic changes he sees as necessary. Mainly because, though having only one vote, the Chairman does have some authority over how bills are heard. He can also offer some semblance of leadership in getting things done.

Miller went on to explain that rarely is a bill defeated once it comes out of committee. If it is introduced and voted on in committee it is almost never defeated on the floor because everything is worked out in committee.

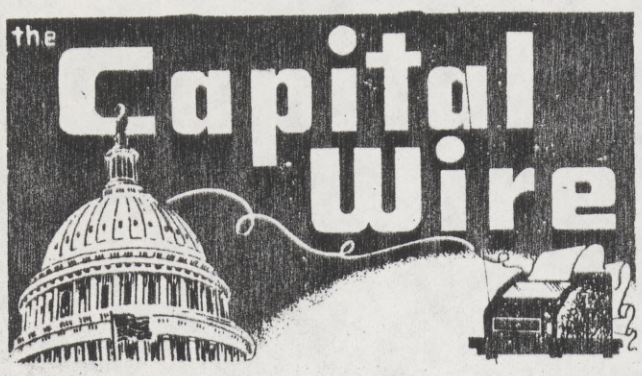
Even very controversial bills almost always get through the two houses once passed on in committee.

Miller admits to being one of those few legislators who insists on reading every bill as long as he sits in the Assembly. "That's about 5,000 per year and my mike is always popped up because I'm asking a question to make sure the point is what I thought it was." Miller claims this has gained him and a few others the reputation of "nit pickers." But that's what the people sent us here to do, look out for their interest," counters Miller.

An example of how "nit-picking" sometimes helps was given by Miller. Legislation sponsored by the women's improvement as part of their rape package and introduced by Assemblyman Meade has a provision which designated a domestic quarrel between a husband and wife as to whether or not they would have sex that night as rape. In other words, if the wife objected and the husband insisted the wife's could yell rape not withstanding the fact that they were married.

Miller explained to Meade that he was sympathetic to the notion he was endeavoring to extend but felt there might be a better way to do so. As a result of his raising questions, other members of the committee read the bill. The bill was badly defeated.

(Continued on Page D-4)



by SELMA SPARKS

A proposed amendment to the State constitution will appear on the November ballot which will make it unconstitutional for a city or county or public district to require that it's employees be residents of such city, county or district, i.e. " . . .except such employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location."

The proposition was authored by Assemblyman Howard L. Berman (D-Shaerman Oaks.) who gives as one of his major rationales for the legislation the fact that he believes ". . .where a person lives is unrelated to his work performance."

Berman also believes that residence requirements are " . . . a restriction of individual liberty."

Berman expressed his belief that restricting residency of police will not change their attitudes or make them more responsive to minority communities. This, he feels, must be taken care of by selective recruiting, the training of police and more careful psychological testing of recruits.

Berman pointed out that under the present Los Angeles residency requirements, residents of parts of Watts cannot be employed by the city because they live in the unincorporated sections of Watts.

The ballot argument in favor of the bill contends that residency requirements deny communities the best qualified people for the jobs of police officers, firemen, ect. "Residency requirements keep hundreds of highly qualified individuals from employment in those jurisdictions, and necessarily reduce the pool of quality personnel entering employment in those communities."

The argument continues that many municipalities spend a great deal of money training young people for long term positions only to lose them to other jurisdictions who pay the same salaries but have no residency requirements.

In the rebuttal to the opposition they cite middle income housing shortages as a serious problem for employees restricted by " . . . arbitrary political boundaries."

Futher in the rebuttal it is claimed that a "yes" vote on the proposition, as yet unnumbered but referred to as ACA 103 (Assembly Constitutional Amendment) will do two things:

*Assure California citizens that the highest quality applicants are available for city and county jobs; and

*Give all public employees the right to live where they choose.

The argument against the proposition urges a "no" vote to prevent the creation of a "super-class of public employees who are willing to accept all the benefits of public employment. . .but who are unwilling to accept and share the responsibilities borne by the residents who employ them."

They acknowledge the fact that public employees, like all employees, should have freedom to choose where they live but they feel that once these people accept jobs as public employees they should be willing to reside in that city. . . "if the voters believe this is economically and socially desirable."

The opposition to the proposition admits it is understandable if a fireman wants to live closer to his moonlighting opportunities but they do not believe this should be guaranteed by the constitution.

State Senator Clark L. Bradely, Los Angeles Mayor Tom Bradely and Assemblyman John J. Miller, representing the opposition in their rebuttal to the argument in favor of the Proposition, do not see a residency requirement preventing the recruitment of highly qualified employees from anywhere. They simply state that . . ."once individuals have accepted employment, they also accept the community employing them." They continued, stating that if highly skilled people must be recruited from without the city they should become residents, "but only if the voters of the city so require."

The opposition feels that residency requirements can help insure the interest of city employees in the city they work for while helping to build a stable community and promoting "effecient and loyal public service."

The opposition ends their rebuttal by advising that the proposition ties the hands of voters of cities who desire to require their employees be residents and also that it ". . .prevents the Legislature itself from dealing with a very important economic and social problem."

The pros and cons regarding this proposition will be many and all must be studied carefully and unemotionally. All the facts must be looked at quite carefully before voting on such an important amendment.

One of the questions to be initally asked, is as voters, do we want out hands so completely tied, that, if we decide that residency by our public employees is desireable, it will take repeal of a constitutional amendment for our wishes to be carried out.

Perhaps it might be wiser to leave such decision to the individual cities and counties rather than tie everyones hands with a constitutional guarantee against residency requirements. These and other questions will have to be asked, carefully thought out and answered.

The Ways and Means Committee The $ Committee

The Ways and Means Committee holds the purse strings for the State of California. This is the committee through which all bills which contain either actual dollar appropriations or have implied costs must pass.

The two main functions of the Ways and Means Committee are: to review the budget and to review all bills coming through the legislature that have fiscal implications.

The budget review process begins in January when the Governor submits his budget to the legislature. The committee breaks up into four sub-committees; Health and Welfare, Education, Natural Resources and Transportation, and State Administration. Budgets for the various state agencies are then referred to one of these four sub-committees.

Public hearings begin in February and run through May or the beginning of June. These hearings, though open to the public, are almost never publicized outside of the Assembly Daily File which can be obtained in the Bill Room at the Capitol. Hearings are only publicized if they are considered a big issue like a major energy proposal or something of that nature.

The sub-committees submit their reports to the full committee with their recommendations. In some cases reductions are recommended or even elimination of some programs or agencies. In other cases the sub-committees may find that the amount requested by the Governor was inadequate and may recommend legislation providing additional funds. This past year the committees recommended augmentations in the amount of a little over $1 hundred million to a $10 million budget.

The sub-committee reports are voted on, and generally approved, by the full Ways and Means Committee which is composed of 21 members. From there the reports go to the Assembly floor for passage.

The sub-committee utilizes a staff of consultants who do field studies and investigations. They interview people to find out what they are doing in various agencies and then report their findings. The sub-committees, based on these findings, take testimony which is often oriented towards the budget hearings of the following fiscal year.

A third, more tangential, function of the committee, is to follow up on the other two functions. It reviews programs and evaluates them when the legislature is not in session between October and December. The sub-committees hold interim hearings investigating whether or not the dollars are being spent appropriately.

Appointment to the Ways and Means Committee is quite a plum though it's a great deal of work. Generally you find the senior members of the Assembly on this committee and membership on it is seriously sought after.

It is easily understood why Assembly members seek positions on this particular committee. At least two thirds of all bills pass through this committee. This means that members of this powerful committee get a chance to see most bills, to amend all the bills which come through the committee and to kill any they don't want to reach the floor. Once a bill is passed on in committee, it generally passes in the Assembly and the Senate. The members of Ways and Means actually determine, to a large extent, what bills pass into law.

At the present time, Sacramento is not represented on this powerful committee. There is no one on the money committee looking out for Sacramento's fiscal interests and the political implications of this are many even though there is always overlapping legislation which is beneficial to the cities which are represented and also to Sacramento.

According to information obtained from the only woman consultant on the Ways and Means Committee staff, there was no need for the many Reagan budget cuts in people oriented legislation this year since there is a budget surplus of approximately $400 million cash on hand in the general fund.

Closing Of County Hospital Hearing

The Senate Sub-Committee on Medical Education and Health Needs, is holding a public hearing on Monday, August 5, at 10:00 a.m., in room 3191 at the Capitol on the question of closing the county hospitals.

Senator Mervyn Dymally, chairman of the sub-committee, feels that the closing of county hospitals will have serious effects for everyone except the very wealthy or the very poor, non-working people. It will, according to Dymally, affect minority communities.

Members of the Black community should certainly find a way of showing up at this important hearing to get first hand information and possibly participate in the hearing. Dymally's office indicates that the Senator would like to see a good turnout at this hearing which will affect so many lives.

RATING OF LEGISLATORS

The following are organization ratings of the various incumbants running for office this year, based upon how the legislators voted in 1973.

Rodda	100	25	20	93	100	80
Greene	73	20	20	82	92	85
Dunlap	82	10	10	88	96	83
Z'Berg	91	30	16	88	92	81
Carter	-	-	47	50	60	59
Harmer	7	38	84	21	38	15
Dymally	86	0	15	86	90	71
Cory	82	20	23	71	76	73
Fong	82	10	10	88	84	85
Bagley	55	10	46	82	80	77
Richardson	0	63	90	7	19	17

1) Labor 2) Ca. Peace Officers' Assoc. 3) Ca. Republican Assembly 4) League of Women Voters 5) Leg. Birdwatchers 6) Nat'l Or. of Women (Sources: California Journal)

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SPEAKER AND CHAIRMAN



Assemblyman Ray Gonzales, and Assembly Speaker Niel McCarthy.

Gonzales Education Chairman

In keeping with his efforts to upgrade minority Assembly members, Assembly Speaker McCarthy has announced his appointment of Assemblyman Ray Gonzales, Chicano Legislator, to the position of Chairman of the Education Committee, one of the most important committees within the Legislature.

Gonzales is a freshman lawmaker and has been chosen by McCarthy to head this committee at a time when it faces the most critical work in it's history -- implementing a new method of financing public education in California.

McCarthy said: "I am aware that appointment of a freshman legislator to head a major committee is rare. But Ray Gonzales comes to the Legislature with impressive credentials and has demonstrated during the past two years that he can handle the assignment."

Gonzales was elected to the Assembly on his first try at politics in 1972 unseating a veteran incumbent. "I am indeed honored by the confidence displayed by Speaker McCarthy and also sobered by the fact that the first order of business for the Committee must be to find some means of providing a new method of school financing," Gonzales said.

Gonzales refers to the recent Serrano-Priest school finance decision, which held that use of local property taxes to support schools is unconstitutional.

Gonzales was a professor at Cal-State Bakersfield prior to his election to the Assembly. He holds a Master of Arts Degree from the University of the Americas in Mexico and a Doctorate in Latin American Studies from the University of Southern California.

The new Chairman expressed his belief that "there is a need for creativity within the Education Committee and this is something I hope to bring to it."

Senate Education Committee Gather

Facts On 'Hyperkinesis'

Hyperkinesis (hyperactivity) in children was the subject of a public hearing held by the Senate Education Committee in the Capitol, Wed. July 31.

The propose of the interim hearing was:

(1) To gather facts about hyperactive school children, with particular emphasis on the nature and extent to which this disorder causes classroom behavior and poor grades.

(2) To review present methods employed in the control of the disorder especially as it relates to the involvement of school personnel.

(3) To consider recommendations for legislation and possible administrative action by the Department of Education and the drug industry.

The agenda for the hearing included an opening statement by the Senate Education Committee chairman, Senator Albert S. Rodda, a statement of the California Dept. of Education's statewide perspective re hyperactive school children.

On the agenda were Drs. Allen Simmons, Chief, Bureau of Mentally Exceptional Children; Ben Feingold, Chief, Emeritus, Dept. of Allergy, Kaiser-Permanente Medical Center, San Francisco; James Satterfield, Gateways Hospital, Los Angeles.

The afternoon session included a panel discussion with questions and answers and testimony from the general public.

Letters were sent out to the teachers of the city, particular emphasis was placed on getting Black teachers to attend. At the morning session there were three Blacks, and one was a reporter.

We will give a report on the hearing, it's findings and proposed legislation as soon as this information is available because hyperactivity of children and any proposals for it's treatment in the schools broadly affects the minority communities.

Miller Chairs Judiciary...

(Continued from Page D-1)

As Miller put it, "There are times when you fail." In November there will be a proposition on the ballot which Miller thinks is racist in nature. It makes it unconstitutional for a city, county or other public agency to require that it's employees live within the boundaries of that city or county.

Miller cited the fact that there are some cities and counties which are moving to make their public employees more responsive to the people they are serving and this amendment, if passed, would defeat this effort badly.

Some years ago Miller carried a bill on behalf of the people of Berkeley requiring that the policemen live within that community. The rationale being that if they lived there they would "... act more like neighbors and less like an occupying police force."

Miller felt he had argued successfully against the bill on the Assembly floor but when he left ". . . many of my liberal friends shifted their votes so the bill could get out." Miller explained the kind of pressure they were under from the firemen and police lobbies. That constitutional amendment is now on the ballot.

Miller advised that the Criminal Justice Committee, for the last ten years, had gained the reputation of being that "killing Committee" because of the overeaching law and order legislation which was presented by "right wingers and some Democrats."

Miller sees himself as, ". . .the thin line between what I thought was fast becoming and anti civil liberties society." He continued, expressing his feeling that a small group has sort of successfully kept the finger in the dam. "A lot of things slipped out but a good many didn't."

We concluded our talk with Miller making a plea for people to become involv[illegible]in watching their own rights.



Assemblyman John Miller says that one of the dangers of the system is "the silence of the part of the masses." As the new chairman of Assembly Judiciary Committee, Miller, shown here with Selma Sparks of THE OBSERVER, become one of the most powerful leaders of the California Assembly.

He commented that he realized how turned off people are about wnat's happening and that the general attitude is, "Ah, he's just another politician."

Miller pointed out the grave danger of this by revealing that there are some people around who specialize in cultivating politicians and they are the only ones paying attention to them. They're the only ones heard from. As Miller put it, this is how the Medical Association can get things done in their favor; how the liquor industry can require certain laws for their benefit; how the Wine Makers Association can require laws that make beer in California weaker than someplace else.

The dumping of thousands of gallons of milk was remarked on by Miller as another result of silence on the part of the masses, particularly Black and poor people. "with so many starving children here, with people eating dog food right here, with 20 million starving Africans, they would rather pour good milk down the drain than give it away.."

Assemblyman Miller promises to continue trying to protect the interests of the people but admonishes the people to be aware and ever conscious of what goes on around them and not wait until "everything caves in on them."

Ballot Propositions Bill Becomes Law

Assembly Bill 774 by Mike Antonovich (R-Los Angeles), allows constitutional amendments adopted by the legislature since June 9, 1974, and no later than June 28, 1974, to be placed on the ballot for the Nov. 5, '74 general election.

Governor Reagan permitted his measure to become law without his signature because he felt that " ... the people of California should have the opportunity to vote on the several constitutional amendments covered by the bill."

His signature was withheld because the Governor feared it would be interpreted as support of the ballot propositions which would be an inaccurate interpretation.

The constitutional amendments covered by AB774 are listed below. Some will be commented on by THE OBSERVER in ensuing editions.

Any questions concerning the possible affect of any or all of those proposed amendments upon the Black community should be mailed to the paper. All answers will be printed.

SCA 26 - Petris; Requires the legislature to provide increased benefits to qualified renters comparable to any increase in the homeowners' exemption provided for by the legislature.

SCA 45 - Rodda; Revises ex officio membership of the U.C. Regents by eliminating the President of the State Board of Agriculture of San Francisco and adds the vice president of the University alumni association. It also increases appointive membership from 1 to 18 and reduces the term of office of appointive members from 16 years to 12 years for members to be appointed on and after March 1, 1976.

ACA 36 - Keene; Modifies constitutional provisions relating to the Public Utilities Commission.

ACA 38 - Dixon; Deletes provisions requiring forfeiture of right to vote for conviction of certain crimes. It also deleted the provision excluding severely mentally deficient and insane persons from right to vote, and adds provision requiring disqualification of electors while mentally incompetent or while imprisoned or on parole for conviction of a felony.

ACA 40 - Brown; Repeals constitutional requirement that development, construction, or acquisition of low-rent public housing by a local government be approved by a vote of the people.

ACA 60 - Meade; Provides for various constitutional rights of persons.

ACA 6 -- Vasconcellos Exempts from civil service the chief administrative officer and five deputies of California Postsecondary Education Commission.

ACA 81 - Miller; Provides that city or county charters may be adopted, changed, or repealed without approval by legislature.

ACA 86 - Vasconcellos; Exempts from civil service the chief administrative officer and three deputies of Postsecondary Education Commission.

ACA 99 - Sieroty; Changes certain masculine gender terms to the neuter.

ACA 103 - Berman; Provides that city or county employees do not have to be residents of the local government agency for which they work.

ACA 104 - Deddeh; Permits any city in San Diego County to be divided into more than one municipal or justice court because of geographic conditions, if the legislature so determines.

ACA 85 - Vasconcellos Requires legislature to determine whether certain U.C. students are to be charged instruction fees.

PEOPLE'S LOBBY SUIT

'Stop Reinecke's Pay'

People's Lobby this week filed suit in Los Angeles Superior Court to prevent convicted perjurer Ed Reinecke, Lieutenant Governor of the State of California from drawing his salary.

People's Lobby attorney Roger Jon Diamond stated.

"Ed Reninecke is now disqualified from holding the office of Lieutenant Governor because he was convicted of perjury in Federal Court in Washington D.C. on July 27, 1974. Under the California Constitution, Article 20 Section 11, and under Government Code Sections 1021 and 1029 (a), Reinecke's conviction automatically disqualifies him from office."

Ed Reinecke receives $35,000 per year as Lieutenant Governor.

The suite is in the form of a taxpayer's action. It contends that any salary paid to Reinecke would constitute a waste and illegal expenditure of public funds.

People's Lobby, sponsors of Proposition 9, the Political Reform Act of 1974 which was overwhelmingly approved by the electorate in June, took action when it became clear that various public officials were not going to do anything.

Controller Houston Flournoy was named as a defendant because he is the State officer who by law makes the salary disbursements to state employees.

Also People's Lobby has filed a demand with Attorney General Evell Younger requesting that he take action in the nature of a quo warrento to remove Reinecke from office pursuant to the Code of Civil Procedure Section 803. The basis for the quo warrnto demand is the same as that for the lawsuit.